

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
THOMAS HARTMANN,

Plaintiff,

-against-

OFFICER KARL N. SNELDERS,

Defendant.
-----X

OFFICIAL VERDICT SHEET

04 CV 1784 (CLP)

Please answer each of the following questions.

1. Has defendant Snelders established by a preponderance of the evidence that on March 12, 2004, he reasonably believed that the plaintiff had threatened to kill or injure his wife?

YES ✓ NO
2. Has defendant Snelders established by a preponderance of the evidence that on March 12, 2004, he reasonably believed that the plaintiff had threatened to kill or injure his wife's mother?

YES ✓ NO
3. Has defendant Snelders established by a preponderance of the evidence that on March 12, 2004, he reasonably believed that the plaintiff had threatened to kill or injure any police officer?

YES ✓ NO
4. Has defendant Snelders established by a preponderance of the evidence that on March 12, 2004, he reasonably believed that the plaintiff was a dangerous person?

YES ✓ NO
5. Has defendant Snelders established by a preponderance of the evidence that on March 12, 2004, he reasonably believed that the plaintiff may be armed with a gun?

YES NO ✓

6. Has defendant Snelders established by a preponderance of the evidence that on March 12, 2004, he reasonably believed that the plaintiff had a history of possessing a gun?

YES _____

NO ☒ _____

7. Has defendant Snelders established by a preponderance of the evidence that on March 12, 2004, he reasonably believed that the plaintiff had shot the walls of Kim Hartmann's home?

YES _____

NO ☒ _____

8. Has defendant Snelders established by a preponderance of the evidence that on March 12, 2004, he reasonably believed that the plaintiff had been convicted for attempted murder for stabbing someone?

YES _____

NO ☒ _____

9. Has defendant Snelders established by a preponderance of the evidence that on March 12, 2004, he reasonably believed that the plaintiff had committed arson?

YES _____

NO ☒ _____

10. Has defendant Snelders established by a preponderance of the evidence that on March 12, 2004, he reasonably believed that the plaintiff had committed assault?

YES _____

NO ☒ _____

11. Has defendant Snelders established by a preponderance of the evidence that on March 12, 2004, he reasonably believed that the plaintiff had served time in prison?

YES _____

NO ☒ _____

12. Has defendant Snelders established by a preponderance of the evidence that on March 12, 2004, he reasonably believed that the plaintiff was a drug abuser?

YES _____

NO ☒ _____

13. Has defendant Snelders established by a preponderance of the evidence that on March 12, 2004, he was aware that it had been suggested that it would be prudent to wear a bullet proof vest when encountering the plaintiff?

YES _____

NO ☒ _____

14. Has defendant Snelders established by a preponderance of the evidence that on March 12, 2004, the plaintiff approached the police vehicle on Sunnybrook Drive?

YES _____ NO ✓

15. Has defendant Snelders established by a preponderance of the evidence that on March 12, 2004, plaintiff placed his hand in his waistband and stated that he was going to shoot the officers?

YES _____ NO ✓

16. Has defendant Snelders established by a preponderance of the evidence that on March 12, 2004, it was necessary to pursue the plaintiff at high speeds and through a red light against traffic?

YES _____ NO ✓

17. Has defendant Snelders established by a preponderance of the evidence that on March 12, 2004, he reasonably believed that the plaintiff approached the police vehicle on Allen Avenue?

YES _____ NO ✓

18. Has defendant Snelders established by a preponderance of the evidence that on March 12, 2004, while on Allen Avenue, the plaintiff threatened the officers?

YES _____ NO ✓

19. Has defendant Snelders established by a preponderance of the evidence that on March 12, 2004, while on Allen Avenue, plaintiff came up to defendant Snelders' drivers' side window?

YES _____ NO ✓

20. Has defendant Snelders established by a preponderance of the evidence that on March 12, 2004, while plaintiff was at the window of the police vehicle, plaintiff placed his hand in his waistband and stated that he was going to shoot defendant Snelders?

YES _____ NO ✓

21. Has defendant Snelders established by a preponderance of the evidence that on March 12, 2004, he reasonably believed that the plaintiff, on Allen Avenue, had a handgun secreted in his waistband?
- YES _____ NO ✓
22. Has defendant Snelders established by a preponderance of the evidence that on March 12, 2004, while on Allen Avenue, the plaintiff moved back to the front of his truck?
- YES ✓ NO _____
23. Has defendant Snelders established by a preponderance of the evidence that on March 12, 2004, the plaintiff, while at his truck, stopped and turned to face defendant Snelders?
- YES _____ NO ✓
24. Has defendant Snelders established by a preponderance of the evidence that on March 12, 2004, the plaintiff was facing the police car at the time he was struck?
- YES _____ NO ✓
25. Has defendant Snelders established by a preponderance of the evidence that on March 12, 2004, the plaintiff reached his hand into his pants?
- YES _____ NO ✓
26. Has defendant Snelders established by a preponderance of the evidence that on March 12, 2004, he reasonably believed that the plaintiff, while at his truck, began pulling his hand from his waistband?
- YES _____ NO ✓
27. Has defendant Snelders established by a preponderance of the evidence that on March 12, 2004, he reasonably believed that the plaintiff was about to shoot him?
- YES _____ NO ✓
28. Has defendant Snelders established by a preponderance of the evidence that on March 12, 2004, he reasonably believed that the plaintiff was about to shoot his partner?
- YES _____ NO ✓

29. Has defendant Snelders established by a preponderance of the evidence that on March 12, 2004, he reasonably believed that it was necessary to strike the plaintiff with the police vehicle to prevent plaintiff from shooting him?

YES _____ NO ☒ _____

30. Has defendant Snelders established by a preponderance of the evidence that on March 12, 2004, he reasonably believed that it was necessary to strike the plaintiff with the police vehicle to prevent plaintiff from shooting his partner?

YES _____ NO ☒ _____

31. Has defendant Snelders established by a preponderance of the evidence that on March 12, 2004, he reasonably believed that, under the circumstances, the use of his vehicle to strike the plaintiff was necessary?

YES _____ NO ☒ _____

32. Has defendant Snelders established by a preponderance of the evidence that on March 12, 2004, he reasonably believed that the use of his vehicle was reasonable and authorized?

YES _____ NO ☒ _____

33. Has defendant Snelders established by a preponderance of the evidence that on March 12, 2004, he reasonably believed that his life was in imminent danger just before the moment he struck the plaintiff?

YES _____ NO ☒ _____

34. Has defendant Snelders established by a preponderance of the evidence that on March 12, 2004, he reasonably believed the amount of force used was necessary under the circumstances to prevent the plaintiff from fleeing?

YES _____ NO ☒ _____

35. Has defendant Snelders established by a preponderance of the evidence that on March 12, 2004, plaintiff was given a warning before using force?

YES _____ NO ☒ _____

36. Has defendant Snelders established by a preponderance of the evidence that on March 12, 2004, it was not feasible to give a warning before using force, whether or not such a warning was given?

YES _____

NO ✓

37. Was Mr. Hartmann armed when defendant Snelders struck him with the police car?

YES _____

NO ✓

38. Did Mr. Hartmann ever display a gun?

YES _____

NO ✓

39. Did defendant Snelders ever see any sign or evidence of a gun?

YES _____

NO ✓

40. Did defendant Snelders use his police vehicle in the past to strike human beings?

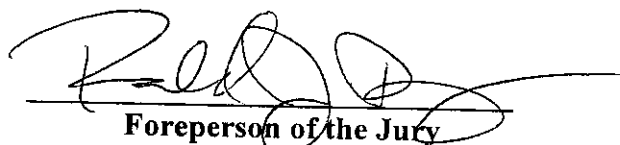
YES ✓

NO _____

41. Where was plaintiff when he was struck by the police car?

ROAD _____ SIDEWALK ✓ GRASS _____

The jury foreperson is to sign and date the verdict form and advise the Marshal that a verdict has been reached.


Foreperson of the Jury

Date: 2/22/10